

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

02-0104-0301, Rules Governing the Idaho Preferred Promotion Program. Establishes voluntary promotion program requirements for use of the Idaho Preferred™ logo, defines eligible products, application procedures and participation fees for promotion of Idaho food and agricultural products. Comment by: 8/27/03.

IDAPA 04 – OFFICE OF THE ATTORNEY GENERAL P.O. Box 83720, Boise, ID 83720-0010

04-2001-0301, Rules Implementing the Idaho Tobacco Master Settlement Agreement Complementary Act. Rules are being adopted to enforce the Act. Comment by: 8/28/03.

IDAPA 07 – DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642

07-0201-0301, Rules Governing Repeal of Existing Plumbing Permit Rules. Repeal of chapter. Comment by: 8/27/03.

07-0207-0301, Rules Governing Readoption of Rules of Plumbing Division. Repeal of chapter. Comment by: 8/27/03.

IDAPA 08 – IDAHO STATE BOARD OF EDUCATION P.O. Box 83720, Boise, ID 83720-0027

08-0202-0301, Rules Governing Uniformity. Changes relate to new school bus construction standards, operations and bus purchasing programs. Comment by: 8/28/03.

IDAPA 10 - IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS 600 S. Orchard, Suite A, Boise, ID 83705-1242

10-0101-0301, Rules of Procedure. Clarifies the courses a technology or related science graduate or a comity applicant must complete to be the equivalent of an engineering graduate; would allow a failing candidate access to a diagnostic analysis of his performance if it is available to the Board; clarifies that Board will proctor an exam for a candidate from another jurisdiction if that candidate would qualify for assignment to the exam in Idaho; and recognizes the educational equivalency for a graduate of a program recognized in the Washington Accord or by ABET. Comment by: 8/27/03.

10-0102-0301, Rules of Professional Responsibility. Requires that license holders keep clients reasonably informed about pertinent matters by providing all necessary information and that they exercise independent professional judgment and render candid advice. Comment by: 8/27/03.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036

16.02.19, Food Safety and Sanitation Standards for Food Establishments.

16-0219-0301- Repeal of chapter. **16-0219-0302** - Chapter rewrite sets standards to be more consistent with other states on food safety; incorporates by reference the federal 2001 Food Code. Comment by: 8/27/03.

16-0301-0301, Rules Governing Eligibility for Medicaid for Families and Children. Clarifies and extends eligibility for citizens and qualified non-citizens in compliance with federal law; and clarifies that individuals not meeting the citizenship or qualified non-citizen requirements, when all other conditions are met, may be eligible for medical services. Comment by: 8/27/03.

16-0305-0301, Rules Governing Eligibility for Aid to the Aged, Blind and Disabled. Clarifies and extend eligibility for aid to qualified non-citizens in compliance with federal law. Comment by: 8/27/03.

16-0308-0301, Rules Governing Temporary Assistance for Families in Idaho. Clarifies and extends eligibility for assistance for citizens and qualified non-citizens in compliance with federal law; and clarifies that individuals not meeting the citizenship or qualified non-citizen requirements, when all other conditions are met, may be eligible for medical services. Comment by: 8/27/03.

16.03.09, Rules Governing the Medical Assistance Program.

16-0309-0303 - Provides guidelines for a Pharmacy and Therapeutics Committee and supplemental drug rebates.

16-0309-0304 – Changes comply with legislative intent language by removing requirement that adult clients must be considered high risk or in need of emergency dental services for Medicaid dental coverage.

16-0309-0305 – Deletes a level of care scoring system on supervision that is not consistent with the Uniform Assessment Instrument that is currently being used and assure services are appropriate to the individual's need. Comment by: 8/27/03.

16-0310-0302, Rules Governing Medicaid Provider Reimbursement in Idaho. Changes give Department the ability to adjust the interim rate used by the Idaho Medicaid program to calculate the reimbursement amount to a hospital. Comment by: 8/27/03.

16-0320-0301, Rules Governing Electronic Payments of Public Assistance, Food Stamps, and Child Support. Changes comply with the federal 2000 Food and Nutrition Service regulations; and authorizes the Department to adjust a Food Stamp account to correct an auditable, out-of-balance settlement condition that occurs as a result of a system error. Comment by: 8/27/03.

IDAPA 18- DEPARTMENT OF INSURANCE
PO Box 83720, Boise, ID 83720-0043

18-0115-0301, Fingerprinting of Agents, Solicitors and Brokers. Eliminates language requiring fingerprint background checks on all producer license applicants to allow the Director to discontinue fingerprint background checks on nonresident producers who have met the licensing requirements of their home state thereby removing a possible obstacle to reciprocity for Idaho residents; removes requirement that a law enforcement agency take fingerprints and removes obsolete references to agents, brokers and solicitors. Comment by: 8/27/03.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
PO Box 7129, Boise ID 83707-1129

39-0322-0301, Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations. Increases the maximum vehicle length overall to 115 feet; clarifies that all permitted Longer Combination Vehicles (except triples combinations) are required to have the off-track form completed as part of the permitting requirements; and clarifies operating and reporting requirements for vehicles participating in the pilot project. Comment by: 8/27/03.

39-0346-0301, Rules Governing Studded Tires. Repeal of chapter. Comment by: 8/27/03.

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, ID 83706-1255**

58-0101-0301, Rules for the Control of Air Pollution in Idaho. Updates citations to federal regulations incorporated by reference to include those revised as of July 1, 2003 in accordance with the Clean Air. Comment by: 8/27/03.

58-0102-0301, Water Quality Standards and Wastewater Treatment Requirements. Changes meet federal requirements by setting water quality standards that protect designated uses in, and ensure attainment and maintenance of the water quality standards of, downstream waters in Oregon and to meet the schedule for development of TMDLs. Comment by: 9/5/03.

58-0105-0301, Rules and Standards for Hazardous Waste. Updates citations to federal regulations incorporated by reference to include those revised as of July 1, 2003; makes technical corrections to corresponding federal regulations and clarifies definition of Director. Comment by: 9/3/03.

58-0108-0301, Idaho Rules For Public Drinking Water Systems. Establishes standards by which fees will be imposed for operator applications, certification exams and renewals, and course evaluations for continuing education units; makes language consistent with changes made in IDAPA 58.01.02 that deal with Wastewater Operator Certification. Comment by: 9/3/03.

58-0123-0301, Rules of Administrative Procedure Before the Board of Environmental Quality. Establishes public notice requirements and modifies procedures for filing petitions with the Board; clarifies the procedures for intervention, review and reconsideration of interlocutory orders. Comment by: 9/3/03.

Please refer to the Idaho Administrative Bulletin, **August 6, 2003, Volume 03-8** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

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